THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6865 of 2001

Date: 12.12.2007

Between:

Shaik Shahbuddin.

..... PETITIONER

AND

A.P. State Wakf Board, Hyderabad, rep. by its
Chief Executive Officer and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 6865 of 2001

Order:

The grievance of the petitioner in this writ petition is that he is the absolute owner of agricultural land admeasuring Ac.18.00 situated in Survey No.656/3 of Kandi village, Sangareddy Mandal, Medak District, having purchased the same under a registered sale deed dated 17.02.1993. But, the respondents, without affording any opportunity to him and without following the due process of law, are trying to interfere with his possession and dispossess him from the said land, claiming the same as Wakf property. Hence, he filed the present writ petition.

A counter affidavit is filed by the respondent-Wakf Board. It is stated in the counter affidavit that the petitioner has already filed a suit in O.S. No. 81 of 2000 in respect of the property, which is the subject matter of this writ petition, and the same is pending consideration before the A.P. Wakf Tribunal, Hyderabad, and as such, the present writ petition is not maintainable and the same is liable to be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Wakf Board.

A perusal of the counter averments clearly indicate that as against the impugned action of the respondents, the petitioner has already availed the remedy available to him under law and filed a suit in O.S. No. 81 of 2000 in respect of the property, which is the subject matter of this writ petition, and the same is pending consideration before the A.P. Wakf Tribunal, Hyderabad. Since the suit, filed by the petitioner in respect of the property, which is the subject matter of this writ petition, is pending consideration before the Wakf Tribunal, Hyderabad, I am of the considered opinion that there is no need to pass

any orders in this writ petition. However, the petitioner is at liberty to agitate before the Wakf Tribunal to establish his rights over the said property.

With the above observation, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 12.12.2007
Nsr